

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHRISTINA BALKENBUSH,

Plaintiff,

vs.

ORTHO BIOTECH PRODUCTS,  
LP,

Defendants.

No. CV-08-0072-LRS

**ORDER DENYING  
UNCONTESTED MOTION FOR  
ENTRY OF STIPULATED  
PROTECTIVE ORDER**

Defendant Ortho Biotech Products, LP, and Plaintiff Christina Balkenbush have submitted to the court a proposed “Stipulated Protective Order.” The motion which accompanies the proposed order (Ct. Rec. 13) indicates that “Sensitive and confidential information and documents will be exchanged during discovery for this matter, including business, commercial and proprietary information of Ortho Biotech.”

The court has developed concerns about entering protective orders that may result in the sealing of materials which do not justify that protection. Plaintiff’s claims in this case include assertions of sexual and age discrimination, hostile work environment, unlawful retaliation, negligent infliction of emotional distress, negligence, breach of contract, promissory estoppel, wrongful withholding of wages and discrimination based on disability. While the court fully recognizes the right of the parties to enter into private agreements concerning the discovery, retention and inadvertent disclosure of otherwise confidential information, the court need not be a

**ORDER DENYING UNCONTESTED MOTION. . . 1**

1 party to the agreement.

2       Accepting the joint representation of the parties that sensitive information may  
3 be exchanged, to the extent either party concludes it is necessary to provide the court  
4 with copies of otherwise confidential materials to be considered in connection with  
5 issues coming before the court, such documents should be filed separately under seal  
6 with a courtesy copy sent to chambers. If an issue arises concerning discovery,  
7 dissemination or use of such materials by either party, an appropriate motion can be  
8 noted for hearing.

9       The “Uncontested Motion for Entry of Stipulated Protective Order” is  
10 respectfully **DENIED**.

11       **IT IS SO ORDERED.** The District Executive is directed to enter this order  
12 and forward copies to counsel.

13       **DATED** this 19th of November, 2008.

14                               s/Lonny R. Suko

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16                               LONNY R. SUKO  
17                               United States District Judge  
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